

Adopted	Rejected
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COMMITTEE REPORT

YES:	10
NO:	0

MR. SPEAKER:

*Your Committee on Rules and Legislative Procedures, to which was referred House Bill 2145, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 criminal law and procedure.
- 4 Delete everything after the enacting clause and insert the following:
- 5 SECTION 1. IC 5-2-5-1, AS AMENDED BY P.L.24-2000,
- 6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2001]: Sec. 1. The following definitions apply throughout this
- 8 chapter:
- 9 (1) "Limited criminal history" means information with respect to
- 10 any arrest ~~indictment, information, or other formal~~ criminal
- 11 charge, which must include a disposition. However, information
- 12 about any arrest ~~indictment, information, or other formal~~ criminal
- 13 charge which occurred less than one (1) year before the date of a
- 14 request shall be considered a limited criminal history even if no
- 15 disposition has been entered.
- 16 (2) "Bias crime" means an offense in which the person who

1 committed the offense knowingly or intentionally:

2 (A) selected the person who was injured; or

3 (B) damaged or otherwise affected property;

4 by the offense because of the color, creed, disability, national
5 origin, race, religion, or sexual orientation of the injured person
6 or of the owner or occupant of the affected property or because
7 the injured person or owner or occupant of the affected property
8 was associated with any other recognizable group or affiliation.

9 (3) "Council" means the security and privacy council created
10 under section 11 of this chapter.

11 (4) "Criminal history data" means information collected by
12 criminal justice agencies, the United States Department of Justice
13 for the department's information system, or individuals. The term
14 consists of the following:

15 (A) Identifiable descriptions and notations of arrests,
16 indictments, informations, or other formal criminal charges.

17 (B) Information regarding ~~an~~ **a sex and violent** offender (as
18 defined in IC 5-2-12-4) obtained through sex **and violent**
19 offender registration under IC 5-2-12.

20 (C) Any disposition, including sentencing, and correctional
21 system intake, transfer, and release.

22 (5) "Criminal justice agency" means any agency or department of
23 any level of government whose principal function is the
24 apprehension, prosecution, adjudication, incarceration, probation,
25 rehabilitation, or representation of criminal offenders, the location
26 of parents with child support obligations under 42 U.S.C. 653, the
27 licensing and regulating of riverboat gambling operations, or the
28 licensing and regulating of pari-mutuel horse racing operations.
29 The term includes the Medicaid fraud control unit for the purpose
30 of investigating offenses involving Medicaid. The term includes
31 a nongovernmental entity that performs as its principal function
32 the:

33 (A) apprehension, prosecution, adjudication, incarceration, or
34 rehabilitation of criminal offenders;

35 (B) location of parents with child support obligations under 42
36 U.S.C. 653;

37 (C) licensing and regulating of riverboat gambling operations;

38 or

- 1 (D) licensing and regulating of pari-mutuel horse racing
 2 operations;
 3 under a contract with an agency or department of any level of
 4 government.
 5 (6) "Department" means the state police department.
 6 (7) "Disposition" means information disclosing that criminal
 7 proceedings have been concluded or indefinitely postponed.
 8 (8) "Inspection" means visual perusal and includes the right to
 9 make memoranda abstracts of the information.
 10 (9) "Institute" means the Indiana criminal justice institute
 11 established under IC 5-2-6.
 12 (10) "Law enforcement agency" means an agency or a department
 13 of any level of government whose principal function is the
 14 apprehension of criminal offenders.
 15 (11) "Protective order" has the meaning set forth in IC 5-2-9-2.1.
 16 (12) "Release" means the furnishing of a copy, or an edited copy,
 17 of criminal history data.
 18 (13) "Reportable offenses" means all felonies and those Class A
 19 misdemeanors which the superintendent may designate.
 20 (14) "Request" means the asking for release or inspection of a
 21 limited criminal history by noncriminal justice organizations or
 22 individuals in a manner which:
 23 (A) reasonably ensures the identification of the subject of the
 24 inquiry; and
 25 (B) contains a statement of the purpose for which the
 26 information is requested.
 27 (15) "Unidentified person" means a deceased or mentally
 28 incapacitated person whose identity is unknown.
 29 SECTION 2. IC 5-2-5.1-5 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. As used in this
 31 chapter, "juvenile history data" means information collected by
 32 criminal or juvenile justice agencies or individuals about a child who
 33 is alleged to have committed a reportable act and consists of the
 34 following:
 35 (1) Descriptions and notations of events leading to the taking of
 36 the child into custody by a juvenile justice agency for a reportable
 37 act allegedly committed by the child.
 38 (2) A petition alleging that the child is a delinquent child.

(3) Dispositional decrees concerning the child that are entered under IC 31-37-19 (or IC 31-6-4-15.9 before its repeal).

(4) The findings of a court determined after a hearing is held under IC 31-37-20-2 or IC 31-37-20-3 (or IC 31-6-4-19(h) or IC 31-6-4-19(i) before their repeal) concerning the child.

(5) Information:

(A) regarding a child who has been adjudicated a delinquent child for committing an act that would be an offense described in ~~IC 5-2-12-4(1)~~ IC 5-2-12-4 if committed by an adult; and

(B) that is obtained through sex **and violent** offender registration under IC 5-2-12.

SECTION 3. IC 5-2-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) The institute is established to do the following:

(1) Evaluate state and local programs associated with:

(A) the prevention, detection, and solution of criminal offenses;

(B) law enforcement; and

(C) the administration of criminal and juvenile justice.

(2) Improve and coordinate all aspects of law enforcement, juvenile justice, and criminal justice in this state.

(3) Stimulate criminal and juvenile justice research.

(4) Develop new methods for the prevention and reduction of crime.

(5) Prepare applications for funds under the Omnibus Act and the Juvenile Justice Act.

(6) Administer victim and witness assistance funds.

(7) Administer the traffic safety functions assigned to the institute under IC 9-27-2.

(8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.

(9) Serve as the criminal justice statistical analysis center for this state.

(10) Establish and maintain, in cooperation with the office of the secretary of family and social services, a sex and violent offender registry.

(11) Administer the application and approval process for

designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.

(12) Prescribe or approve forms as required under IC 5-2-12.

(13) Provide judges, law enforcement officers, prosecuting attorneys, parole officers, and probation officers with information and training concerning the requirements in IC 5-2-12 and the use of the sex and violent offender registry.

(b) The registry established under subsection (a)(10) must include the names of all persons who

~~(1) have been convicted in Indiana before or after June 30, 1998, of:~~

~~(A) rape (IC 35-42-4-1);~~

~~(B) criminal deviate conduct (IC 35-42-4-2);~~

~~(C) child molesting (IC 35-42-4-3);~~

~~(D) child exploitation (IC 35-42-4-4(b));~~

~~(E) vicarious sexual gratification (IC 35-42-4-5);~~

~~(F) child solicitation (IC 35-42-4-6);~~

~~(G) child seduction (IC 35-42-4-7);~~

~~(H) sexual misconduct with a minor as a Class A or Class B felony (IC 35-42-4-9);~~

~~(I) incest (IC 35-46-1-3); or~~

~~(J) sexual battery (IC 35-42-4-8);~~

~~(2) have been convicted in Indiana after June 30, 1998, of:~~

~~(A) kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age; or~~

~~(B) criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age; or~~

~~(3) are residing in Indiana and have been convicted in another state of an offense that is substantially equivalent to any of the sex offenses specified in subdivision (1) or violent offenses specified in subdivision (2): each sex and violent offender (as defined in IC 5-2-12-4) who is required to register under IC 5-2-12.~~

SECTION 4. IC 5-2-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. **(a)** As used in this chapter, "sex and violent offender" refers to

~~(1) means a person convicted in Indiana after June 30, 1994, of any of the following sex and violent offenses:~~

~~(A) (1) Rape (IC 35-42-4-1).~~

- 1 ~~(B)~~ **(2)** Criminal deviate conduct (IC 35-42-4-2).
- 2 ~~(C)~~ **(3)** Child molesting (IC 35-42-4-3).
- 3 ~~(D)~~ **(4)** Child exploitation (IC 35-42-4-4(b)).
- 4 ~~(E)~~ **(5)** Vicarious sexual gratification (IC 35-42-4-5).
- 5 ~~(F)~~ **(6)** Child solicitation (IC 35-42-4-6).
- 6 ~~(G)~~ **(7)** Child seduction (IC 35-42-4-7).
- 7 ~~(H)~~ **(8)** Sexual misconduct with a minor as a Class A or Class
- 8 B felony (IC 35-42-4-9).
- 9 ~~(I)~~ **(9)** Incest (IC 35-46-1-3).
- 10 ~~(J)~~ **(10)** Sexual battery (IC 35-42-4-8).
- 11 ~~(2) a person convicted in Indiana after June 30, 1998, of:~~
- 12 ~~(A)~~ **(11)** Kidnapping (IC 35-42-3-2), if the victim is less than
- 13 eighteen (18) years of age. ~~or~~
- 14 ~~(B)~~ **(12)** Criminal confinement (IC 35-42-3-3), if the victim is
- 15 less than eighteen (18) years of age.
- 16 **(13) An attempt or conspiracy to commit a crime listed in**
- 17 **subdivisions (1) through (12).**
- 18 **(14) A crime under the laws of another jurisdiction,**
- 19 **including a military court, that is substantially equivalent**
- 20 **to any of the offenses listed in subdivisions (1) through**
- 21 **(13).**
- 22 ~~(3) (b) The term includes a delinquent act by a child who:~~
- 23 ~~(A)~~ **(1)** is at least fourteen (14) years of age;
- 24 ~~(B)~~ **(2)** is on probation, is on parole, or is discharged from a
- 25 facility by the department of correction, **is discharged from**
- 26 **a secure private facility (as defined in IC 31-9-2-115), or is**
- 27 **discharged from a juvenile detention facility** as a result of
- 28 an adjudication as a delinquent child for an act that would be
- 29 an offense described in ~~subdivision (1) or (2)~~ **subsection (a)**
- 30 if committed by an adult; and
- 31 ~~(C)~~ **(3)** is found by a court by clear and convincing evidence
- 32 to be likely to repeat an act that would be an offense described
- 33 in ~~subdivision (1) or (2)~~ **subsection (a)** if committed by an
- 34 adult. ~~or~~
- 35 ~~(4) a person residing in Indiana who was convicted after:~~
- 36 ~~(A) June 30, 1994, in another state of an offense that is~~
- 37 ~~substantially equivalent to any of the sex offenses listed in~~
- 38 ~~subdivision (1); or~~

1 ~~(B) June 30, 1998, in another state of an offense that is~~
 2 ~~substantially equivalent to any of the violent offenses listed in~~
 3 ~~subdivision (2):~~

4 SECTION 5. IC 5-2-12-5 IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) ~~An~~ **Subject to section 13 of**
 6 **this chapter, the following persons must register under this**
 7 **chapter:**

8 **(1) A sex and violent offender who resides or intends to reside**
 9 **for more than seven (7) days in Indiana.**

10 **(2) A sex and violent offender not described in subdivision (1)**
 11 **who works or carries on a vocation or intends to work or**
 12 **carry on a vocation full-time or part-time for a period of time:**

13 **(A) exceeding fourteen (14) consecutive days; or**

14 **(B) for an aggregate period of time exceeding thirty (30)**
 15 **days;**

16 **during any calendar year in Indiana, whether the offender is**
 17 **financially compensated, volunteered, or is acting for the**
 18 **purpose of government or educational benefit.**

19 **(3) A sex and violent offender not described in subdivision (1)**
 20 **who is enrolled or intends to be enrolled on a full-time or**
 21 **part-time basis in any public or private educational**
 22 **institution, including any secondary school, trade, or**
 23 **professional institution, or institution of higher education in**
 24 **Indiana.**

25 **(b) A sex and violent offender who resides or intends to reside in**
 26 **Indiana shall register** with each local law enforcement authority
 27 having jurisdiction in the area where the **sex and violent** offender
 28 resides or intends to reside. ~~for more than seven (7) days:~~

29 **(c) A sex and violent offender described in subsection (a)(2) shall**
 30 **register with the local law enforcement authority having**
 31 **jurisdiction in the principal area where the sex and violent**
 32 **offender is or intends to be employed or carry on a vocation.**

33 **(d) A sex and violent offender described in subsection (a)(3)**
 34 **shall register with the local law enforcement authority having**
 35 **jurisdiction in the principal area where the sex and violent**
 36 **offender is enrolled or intends to be enrolled as a student.**

37 **(e) A sex and violent offender shall register on a form or in the**
 38 **form prescribed or approved by the institute. Each local law**

1 **enforcement authority shall make the required forms available to**
 2 **registrants.**

3 **(f)** The **sex and violent** offender shall register not more than seven
 4 (7) days after the **sex and violent** offender arrives at the place where
 5 the **sex and violent** offender ~~resides or intends to reside~~ **is required to**
 6 **register under subsection (b), (c), or (d).**

7 ~~(b)~~ **(g)** Whenever ~~an~~ **a sex and violent** offender registers with a
 8 local law enforcement authority, ~~under subsection (a)~~, the local law
 9 enforcement agency shall immediately notify the institute of the **sex**
 10 **and violent** offender's registration **on a form or in the form**
 11 **prescribed or approved by the institute.**

12 SECTION 6. IC 5-2-12-6 IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2001]: Sec. 6. The registration required under
 14 this chapter must include the following information:

15 (1) The **sex and violent** offender's full name, alias, date of birth,
 16 sex, race, height, weight, eye color, Social Security number,
 17 driver's license number, and home address.

18 (2) A description of the offense for which the **sex and violent**
 19 offender was convicted, the date of conviction, and the sentence
 20 imposed, if applicable.

21 **(3) If the person is required to register under section 5(a)(2)**
 22 **or 5(a)(3) of this chapter, the name and address of each of the**
 23 **sex and violent offender's employers in Indiana, the name and**
 24 **address of each campus or location where the sex and violent**
 25 **offender is enrolled in school in Indiana, and the address**
 26 **where the sex and violent offender stays or intends to stay**
 27 **overnight in Indiana for more than seven (7) days.**

28 **(4)** Any other information required by the institute.

29 SECTION 7. IC 5-2-12-7 IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2001]: Sec. 7. (a) ~~At least thirty (30) days but~~
 31 ~~Not more than ninety (90)~~ **fourteen (14)** days before an **Indiana sex**
 32 **and violent** offender who is required to register under this chapter is
 33 scheduled to be released from a correctional facility, **transferred to a**
 34 **community transition program, transferred to the jurisdiction of**
 35 **a sentencing court or probation office for a term of probation after**
 36 **being confined in a facility, released from any other penal facility**
 37 **(as defined in IC 35-41-1-21), released from a secure private**
 38 **facility (as defined in IC 31-9-2-115), or released from a juvenile**

1 **detention facility**, an official of the ~~correctional~~ facility shall do the
 2 following:

3 (1) **Orally** inform the **sex and violent** offender of the **sex and**
 4 **violent** offender's duty to register under this chapter and require
 5 the **sex and violent** offender to sign a written statement that the
 6 **sex and violent** offender was **orally** informed or, if the **sex and**
 7 **violent** offender refuses to sign the statement, certify that the **sex**
 8 **and violent** offender was **orally** informed of the duty to register.

9 (2) **Deliver a written notice on a form or in the form**
 10 **prescribed or approved by the institute of the sex and violent**
 11 **offender's duty to register under this chapter and require the**
 12 **sex and violent offender to sign a written statement that the**
 13 **sex and violent offender received the written notice or, if the**
 14 **sex and violent offender refuses to sign the statement, certify**
 15 **that the sex and violent offender was given the written notice**
 16 **of the duty to register.**

17 ~~(2)~~ (3) Obtain the address where the **sex and violent** offender
 18 expects to reside after the **sex and violent** offender's release.

19 ~~(3)~~ (4) **Inform in writing on a form or in the form prescribed**
 20 **or approved by the institute** the applicable local law
 21 enforcement authority having jurisdiction in the area where the
 22 **sex and violent** offender expects to reside of the **sex and violent**
 23 offender's name, ~~release~~ **date of release or transfer**, new address,
 24 and the **sex and violent** offense **or delinquent act** committed by
 25 the **sex and violent** offender.

26 (b) ~~Notwithstanding any other law,~~ Not more than three (3) days
 27 after ~~an~~ a **sex and violent** offender who is required to register under
 28 this chapter is released ~~from a correctional facility~~, **or transferred as**
 29 **described in subsection (a)**, an official of the ~~correctional~~ facility shall
 30 send to the state police **on a form or in the form prescribed or**
 31 **approved by the institute** the following:

32 (1) The **sex and violent** offender's fingerprints, photograph, and
 33 identification factors.

34 (2) The address where the **sex and violent** offender expects to
 35 reside after the **sex and violent** offender's release.

36 (3) The complete criminal history data (as defined in IC 5-2-5-1)
 37 **or, if the sex and violent offender committed a delinquent act,**
 38 **juvenile history data (as defined in IC 5-2-5.1-5) of the sex and**

1 **violent** offender.

2 (4) Information regarding the **sex and violent** offender's past
3 treatment for mental disorders.

4 (5) Information as to whether the **sex and violent** offender has
5 been determined to be a sexually violent predator.

6 **(c) This subsection applies if a sex and violent offender is placed**
7 **on probation or in a community corrections program without**
8 **confining the sex and violent offender in a penal facility. The**
9 **probation office serving the court in which the sex and violent**
10 **offender is sentenced shall perform the duties required under**
11 **subsections (a) and (b).**

12 SECTION 8. IC 5-2-12-8 IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2001]: Sec. 8. (a) If ~~an~~ **a sex and violent**
14 offender who is required to register under this chapter changes:

15 **(1) home address; or**

16 **(2) if section 5(a)(2) or 5(a)(3) of this chapter applies, the**
17 **place where the sex and violent offender stays overnight for**
18 **more than seven (7) days;**

19 the **sex and violent** offender shall provide written notice not more than
20 seven (7) days after the address change to the local law enforcement
21 authority with whom the **sex and violent** offender last registered **on a**
22 **form or in the form prescribed or approved by the institute.**

23 (b) If the **sex and violent** offender moves to a new municipality or
24 county in Indiana, the local law enforcement authority referred to in
25 subsection (a) shall **in writing** inform the appropriate local law
26 enforcement authority in the new municipality or county **in Indiana,**
27 **on a form or in the form prescribed or approved by the Indiana**
28 **criminal justice institute,** of the **sex and violent** offender's **home or**
29 **overnight residence. The local law enforcement authority receiving**
30 **the written notice under this subsection shall verify the address of**
31 **the sex and violent offender under section 8.5 of this chapter within**
32 **seven (7) days after receiving the notice.**

33 (c) If a **sex and violent** offender who is required to register
34 under section 5(a)(2) or 5(a)(3) of this chapter changes the **sex and**
35 **violent offender's principal place of employment, principal place**
36 **of vocation, or campus or location where the sex and violent**
37 **offender is enrolled in school, the sex and violent offender shall**
38 **provide written notice not more than seven (7) days after the**

1 change to the local law enforcement authority with whom the sex
 2 and violent offender last registered on a form or in the form
 3 prescribed or approved by the institute.

4 (d) If a sex and violent offender moves the sex and violent
 5 offender's place of employment, vocation, or enrollment to a new
 6 municipality or county in Indiana, the local law enforcement
 7 authority referred to in subsection (c) shall in writing inform the
 8 appropriate local law enforcement authority in the new
 9 municipality or county in Indiana, on a form or in the form
 10 prescribed or approved by the institute, of the sex and violent
 11 offender's new principal place of employment, vocation, or
 12 enrollment.

13 (e) A local law enforcement authority shall make the forms
 14 required under this section available to registrants.

15 (f) A local law enforcement authority who is notified of a change
 16 under subsection (a) or (c) shall immediately notify the institute of
 17 the change on a form or in the form prescribed or approved by the
 18 institute.

19 SECTION 9. IC 5-2-12-8.5 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8.5. (a) To verify ~~an~~ a
 21 sex and violent offender's current **home or overnight** residence, the
 22 local law enforcement agency shall do the following:

23 (1) Mail each **sex and violent** offender a verification form
 24 **prescribed or approved by the Indiana criminal justice**
 25 **institute** to the **sex and violent** offender's listed address at least
 26 one (1) time per year, beginning ~~one (1) year~~ **seven (7) days** after
 27 **the local law enforcement authority receives a notice under**
 28 **section 14 of this chapter or** the date the **sex and violent**
 29 offender is:

30 (A) released from a ~~correctional facility operated by the~~
 31 ~~department of correction;~~ **penal facility (as defined in**
 32 **IC 35-41-1-21), a secure private facility (as defined in**
 33 **IC 31-9-2-115), or a juvenile detention facility;**

34 **(B) placed in a community transition program;**

35 ~~(B)~~ (C) placed on parole; or

36 ~~(C)~~ (D) placed on probation;

37 whichever occurs ~~last~~ **first**.

38 (2) Mail a verification form **prescribed or approved by the**

1 **Indiana criminal justice institute** to each **sex and violent**
 2 offender who is designated a sexually violent predator under
 3 IC 35-38-1-7.5 at least once every ninety (90) days, beginning
 4 ~~ninety (90)~~ **seven (7)** days after **the local law enforcement**
 5 **authority receives a notice under section 14 of this chapter or**
 6 the date the **sex and violent** offender is:

- 7 (A) released from a ~~correctional facility operated by the~~
 8 ~~department of correction;~~ **penal facility (as defined in**
 9 **IC 35-41-1-21), a secure private facility (as defined in**
 10 **IC 31-9-2-115), or a juvenile detention facility;**
 11 **(B) placed in a community transition program;**
 12 ~~(B)~~ (C) placed on parole; or
 13 ~~(C)~~ **(D)** placed on probation;

14 whichever occurs ~~last~~ **first**.

15 (b) If ~~an~~ **a sex and violent** offender fails to return a signed
 16 verification form either by mail or in person, the local law enforcement
 17 **agency authority** shall immediately notify the institute.

18 SECTION 10. IC 5-2-12-8.6, AS AMENDED BY P.L.1-1999,
 19 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2001]: Sec. 8.6. (a) ~~An~~ **A sex and violent** offender who is
 21 required to register under this chapter may not petition for a change of
 22 name under IC 34-28-2.

23 (b) If ~~an~~ **a sex and violent** offender who is required to register under
 24 this chapter changes the **sex and violent** offender's name due to
 25 marriage, the **sex and violent** offender must notify the criminal justice
 26 institute not more than thirty (30) days after the name change.

27 SECTION 11. IC 5-2-12-9 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9. ~~An~~ **A sex and**
 29 **violent** offender who knowingly or intentionally fails to register under
 30 this chapter commits a Class D felony. However, the offense is a Class
 31 C felony if the **sex and violent** offender has a prior unrelated offense
 32 under this section.

33 SECTION 12. IC 5-2-12-11, AS AMENDED BY P.L.214-1999,
 34 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2001]: Sec. 11. (a) The institute shall make the sex and violent
 36 offender registry available on a computer disk. Each time the registry
 37 is updated under section 10 of this chapter, the institute shall send one
 38 (1) paper copy of the sex and violent offender registry to:

- (1) all school corporations (as defined in IC 20-1-6-1);
- (2) all nonpublic schools (as defined in IC 20-10.1-1-3);
- (3) a state agency that licenses individuals who work with children;
- (4) the state personnel department to screen individuals who may be hired to work with children;
- (5) all child care facilities licensed by or registered in the state of Indiana; and
- (6) other entities that:
 - (A) provide services to children; and
 - (B) request the registry.

(b) The institute shall publish the sex and violent offender registry on the Internet through the computer gateway administered by the intelnet commission under IC 5-21-2 and known as Access Indiana.

(c) A copy of the sex and violent offender registry provided to an entity under subsection (a)(5) or (a)(6) or published under subsection (b) may not include the home address of ~~an~~ **a sex and violent** offender whose name appears in the registry.

SECTION 13. IC 5-2-12-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 13. (a) Except as provided in ~~subsection~~ **subsections (b) ~~an~~ and (c), a sex and violent** offender's duty to register expires ten (10) years after the date the **sex and violent** offender:

- (1) becomes twenty-one (21) years of age, if the sex and violent offender was required to register under this chapter for a delinquent act;**
- (2) is released from ~~prison or any other facility operated by the department of correction;~~ a penal facility (as defined in IC 35-41-1-21) of a state or another jurisdiction;**
- (3) is placed in a community transition program;**
- (4) is placed in a community corrections program;**
- (5) is placed on parole; or**
- (6) is placed on probation;**

whichever occurs last.

(b) ~~An~~ **A sex and violent** offender who is found to be a sexually violent predator by a court under IC 35-38-1-7.5(b) is required to register for an indefinite period unless a court, assisted by a board of experts, finds that the **sex and violent** offender is no longer a sexually

1 violent predator under IC 35-38-1-7.5(c).

2 (c) A sex and violent offender who is convicted of at least one (1)
3 sex and violent offense that the sex and violent offender committed:

- 4 (1) when the person was at least eighteen (18) years of age;
5 and
6 (2) against a victim who was less than twelve (12) years of age
7 at the time of the crime;

8 is required to register for life.

9 (d) A sex and violent offender who is convicted of at least one (1)
10 sex and violent offense:

- 11 (1) that was committed when the person was at least eighteen
12 (18) years of age;
13 (2) that was committed against a victim who was less than
14 eighteen (18) years of age at the time of the crime;

15 (3) in which the sex and violent offender:

- 16 (A) proximately caused serious bodily injury or death to
17 the victim;
18 (B) used force or the threat of force against the victim or
19 a member of the victim's family; or
20 (C) rendered the victim unconscious or otherwise
21 incapable of giving voluntary consent;

22 is required to register for life.

23 (e) A sex and violent offender who is convicted of at least two (2)
24 unrelated sex and violent offenses that were committed:

- 25 (1) when the person was at least eighteen (18) years of age;
26 and
27 (2) against victims who were less than eighteen (18) years of
28 age at the time of the crime;

29 is required to register for life.

30 SECTION 14. IC 5-2-12-14 IS ADDED TO THE INDIANA CODE
31 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
32 1, 2001]: Sec. 14. (a) The governor may enter into a compact with
33 one (1) or more jurisdictions outside Indiana to exchange
34 notifications concerning the release, transfer, or change of address,
35 employment, vocation, or enrollment of a sex and violent offender
36 between Indiana and the other jurisdiction or the other jurisdiction
37 and Indiana.

38 (b) The compact must provide for the designation of a state

1 **agency to coordinate the transfer of information.**

2 **(c) If the state agency receives information that a sex and violent**
 3 **offender has relocated to Indiana to reside, engage in employment**
 4 **or a vocation, or enroll in school, the state agency shall inform in**
 5 **writing the appropriate local law enforcement authority having**
 6 **jurisdiction in the area where the sex and violent offender is**
 7 **required to register in Indiana of:**

8 **(1) the sex and violent offender's name, date of relocation, and**
 9 **new address; and**

10 **(2) the sex and violent offense or delinquent act committed by**
 11 **the sex and violent offender.**

12 SECTION 15. IC 11-13-3-4, AS AMENDED BY P.L.214-1999,
 13 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2001]: Sec. 4. (a) A condition to remaining on parole is that
 15 the parolee not commit a crime during the period of parole.

16 (b) The parole board may also adopt, under IC 4-22-2, additional
 17 conditions to remaining on parole and require a parolee to satisfy one
 18 (1) or more of these conditions. These conditions must be reasonably
 19 related to the parolee's successful reintegration into the community and
 20 not unduly restrictive of a fundamental right.

21 (c) If a person is released on parole the parolee shall be given a
 22 written statement of the conditions of parole. Signed copies of this
 23 statement shall be:

24 (1) retained by the parolee;

25 (2) forwarded to any person charged with the parolee's
 26 supervision; and

27 (3) placed in the parolee's master file.

28 (d) The parole board may modify parole conditions if the parolee
 29 receives notice of that action and had ten (10) days after receipt of the
 30 notice to express the parolee's views on the proposed modification.
 31 This subsection does not apply to modification of parole conditions
 32 after a revocation proceeding under section 10 of this chapter.

33 (e) As a condition of parole, the parole board may require the
 34 parolee to reside in a particular parole area. In determining a parolee's
 35 residence requirement, the parole board shall:

36 (1) consider:

37 (A) the residence of the parolee prior to the parolee's
 38 incarceration; and

1 (B) the parolee's place of employment; and
 2 (2) assign the parolee to reside in the county where the parolee
 3 resided prior to the parolee's incarceration unless assignment on
 4 this basis would be detrimental to the parolee's successful
 5 reintegration into the community.

6 (f) As a condition of parole, the parole board may require the
 7 parolee to:

8 (1) periodically undergo a laboratory chemical test (as defined in
 9 IC 14-15-8-1) or series of tests to detect and confirm the presence
 10 of a controlled substance (as defined in IC 35-48-1-9); and
 11 (2) have the results of any test under this subsection reported to
 12 the parole board by the laboratory.

13 The parolee is responsible for any charges resulting from a test
 14 required under this subsection. However, a person's parole may not be
 15 revoked on the basis of the person's inability to pay for a test under this
 16 subsection.

17 (g) As a condition of parole, the parole board:

18 (1) may require a parolee who is ~~an~~ **a sex and violent** offender (as
 19 defined in IC 5-2-12-4) to:

20 (A) participate in a treatment program for sex offenders
 21 approved by the parole board; and

22 (B) avoid contact with any person who is less than sixteen (16)
 23 years of age unless the parolee:

24 (i) receives the parole board's approval; or

25 (ii) successfully completes the treatment program referred to
 26 in clause (A); and

27 (2) shall:

28 (A) require a parolee who is ~~an~~ **a sex and violent** offender (as
 29 defined in IC 5-2-12-4) to register with a local law
 30 enforcement authority under IC 5-2-12-5; and

31 (B) prohibit the offender from residing within one thousand
 32 (1,000) feet of school property (as defined in IC 35-41-1-24.7)
 33 for the period of parole, unless the offender obtains written
 34 approval from the parole board.

35 If the parole board allows the offender to reside within one thousand
 36 (1,000) feet of school property under subdivision (2)(B), the parole
 37 board shall notify each school within one thousand (1,000) feet of the
 38 offender's residence of the order.

SECTION 16. IC 31-37-19-5, AS AMENDED BY P.L.32-2000, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) This section applies if a child is a delinquent child under IC 31-37-1.

(b) The juvenile court may, in addition to an order under section 6 of this chapter, enter at least one (1) of the following dispositional decrees:

(1) Order supervision of the child by:

(A) the probation department; or

(B) the county office of family and children.

As a condition of probation under this subdivision, the **juvenile** court shall after a determination under ~~IC 5-2-12-4(3)~~ **IC 5-2-12-4** require a child who is adjudicated a delinquent child for an act that would be an offense described in ~~IC 5-2-12-4(1)~~ **IC 5-2-12-4** if committed by an adult to register with a local law enforcement authority under IC 5-2-12.

(2) Order the child to receive outpatient treatment:

(A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or

(B) from an individual practitioner.

(3) Order the child to surrender the child's driver's license to the court for a specified period of time.

(4) Order the child to pay restitution if the victim provides reasonable evidence of the victim's loss, which the child may challenge at the dispositional hearing.

(5) Partially or completely emancipate the child under section 27 of this chapter.

(6) Order the child to attend an alcohol and drug services program established under IC 12-23-14.

(7) Order the child to perform community restitution or service for a specified period of time.

(8) Order wardship of the child as provided in section 9 of this chapter.

SECTION 17. IC 31-37-19-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9. (a) This section applies if a child is a delinquent child under IC 31-37-1.

(b) After a **juvenile court makes a** determination under ~~IC 5-2-12-4(2)~~ **IC 5-2-12-4**, the juvenile court may, in addition to an

- 1 order under section 6 of this chapter, and if the child:
- 2 (1) is at least thirteen (13) years of age and less than sixteen (16)
- 3 years of age; and
- 4 (2) committed an act that, if committed by an adult, would be:
- 5 (A) murder (IC 35-42-1-1);
- 6 (B) kidnapping (IC 35-42-3-2);
- 7 (C) rape (IC 35-42-4-1);
- 8 (D) criminal deviate conduct (IC 35-42-4-2); or
- 9 (E) robbery (IC 35-42-5-1) if the robbery was committed while
- 10 armed with a deadly weapon or if the robbery resulted in
- 11 bodily injury or serious bodily injury;
- 12 order wardship of the child to the department of correction for a fixed
- 13 period that is not longer than the date the child becomes eighteen (18)
- 14 years of age, subject to IC 11-10-2-10.
- 15 (c) Notwithstanding IC 11-10-2-5, the department of correction may
- 16 not reduce the period ordered under this section (or
- 17 IC 31-6-4-15.9(b)(8) before its repeal).
- 18 SECTION 18. IC 35-38-1-7.5, AS AMENDED BY P.L.1-1999,
- 19 SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 20 JULY 1, 2001]: Sec. 7.5. (a) As used in this section, "sexually violent
- 21 predator" has the meaning set forth in IC 5-2-12-4.5.
- 22 (b) This section applies whenever a court sentences a person for a
- 23 sex offense listed in ~~IC 5-2-12-4(1)(A)~~ **IC 5-2-12-4(a)(1)** through
- 24 ~~IC 5-2-12-4(1)(J)~~ **IC 5-2-12-4(a)(10)** for which the person is required
- 25 to register with a local law enforcement agency under IC 5-2-12-5.
- 26 (c) At the sentencing hearing, the court shall determine whether the
- 27 person is a sexually violent predator. Before making a determination
- 28 under this section, the court shall consult with a board of experts
- 29 consisting of two (2) board certified psychologists or psychiatrists who
- 30 have expertise in criminal behavioral disorders.
- 31 (d) If the court finds that a person is a sexually violent predator:
- 32 (1) the person is required to register with a local law enforcement
- 33 agency as provided in IC 5-2-12-13(b); and
- 34 (2) the court shall send notice of its finding under this subsection
- 35 to the criminal justice institute.
- 36 (e) A person who is found by a court to be a sexually violent
- 37 predator under subsection (c) may petition the court to consider
- 38 whether the person is no longer a sexually violent predator. The person

1 may file a petition under this subsection not earlier than ten (10) years
 2 after the sentencing court makes its finding under subsection (c). A
 3 person may file a petition under this subsection not more than one (1)
 4 time per year. If a court finds that the person is no longer a sexually
 5 violent predator, the court shall send notice to the Indiana criminal
 6 justice institute that the person is no longer considered a sexually
 7 violent predator.

8 SECTION 19. IC 35-38-2-2.2, AS AMENDED BY P.L.214-1999,
 9 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2001]: Sec. 2.2. As a condition of probation for ~~an~~ **a sex and**
 11 **violent** offender (as defined in IC 5-2-12-4), the court shall:

- 12 (1) require the offender to register with a local law enforcement
- 13 authority under IC 5-2-12-5; and
- 14 (2) prohibit the offender from residing within one thousand
- 15 (1,000) feet of school property (as defined in IC 35-41-1-24.7) for
- 16 the period of probation, unless the offender obtains written
- 17 approval from the court.

18 If the court allows the **sex and violent** offender to reside within one
 19 thousand (1,000) feet of school property under subdivision (2), the
 20 court shall notify each school within one thousand (1,000) feet of the
 21 offender's residence of the order.

22 SECTION 20. IC 35-38-2-2.4 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2.4. As a condition of
 24 probation, the court may require ~~an~~ **a sex and violent** offender (as
 25 defined in IC 5-2-12-4) to:

- 26 (1) participate in a treatment program for sex offenders approved
- 27 by the court; and
- 28 (2) avoid contact with any person who is less than sixteen (16)
- 29 years of age unless the probationer:
 - 30 (A) receives the court's approval; or
 - 31 (B) successfully completes the treatment program referred to
 - 32 in subdivision (1).

33 SECTION 21. IC 35-50-2-2, AS AMENDED BY P.L.188-1999,
 34 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2001]: Sec. 2. (a) The court may suspend any part of a
 36 sentence for a felony, except as provided in this section or in section
 37 2.1 of this chapter.

38 (b) With respect to the following crimes listed in this subsection, the

1 court may suspend only that part of the sentence that is in excess of the
2 minimum sentence:

3 (1) The crime committed was a Class A or Class B felony and the
4 person has a prior unrelated felony conviction.

5 (2) The crime committed was a Class C felony and less than seven
6 (7) years have elapsed between the date the person was
7 discharged from probation, imprisonment, or parole, whichever
8 is later, for a prior unrelated felony conviction and the date the
9 person committed the Class C felony for which the person is
10 being sentenced.

11 (3) The crime committed was a Class D felony and less than three
12 (3) years have elapsed between the date the person was
13 discharged from probation, imprisonment, or parole, whichever
14 is later, for a prior unrelated felony conviction and the date the
15 person committed the Class D felony for which the person is
16 being sentenced. However, the court may suspend the minimum
17 sentence for the crime only if the court orders home detention
18 under IC 35-38-1-21 or IC 35-38-2.5-5 instead of the minimum
19 sentence specified for the crime under this chapter.

20 (4) The felony committed was:

21 (A) murder (IC 35-42-1-1);

22 (B) battery (IC 35-42-2-1) with a deadly weapon;

23 (C) sexual battery (IC 35-42-4-8) with a deadly weapon;

24 (D) kidnapping (IC 35-42-3-2);

25 (E) confinement (IC 35-42-3-3) with a deadly weapon;

26 (F) rape (IC 35-42-4-1) as a Class A felony;

27 (G) criminal deviate conduct (IC 35-42-4-2) as a Class A
28 felony;

29 (H) child molesting (IC 35-42-4-3) as a Class A or Class B
30 felony;

31 (I) robbery (IC 35-42-5-1) resulting in serious bodily injury or
32 with a deadly weapon;

33 (J) arson (IC 35-43-1-1) for hire or resulting in serious bodily
34 injury;

35 (K) burglary (IC 35-43-2-1) resulting in serious bodily injury
36 or with a deadly weapon;

37 (L) resisting law enforcement (IC 35-44-3-3) with a deadly
38 weapon;

- 1 (M) escape (IC 35-44-3-5) with a deadly weapon;
- 2 (N) rioting (IC 35-45-1-2) with a deadly weapon;
- 3 (O) dealing in cocaine or a narcotic drug (IC 35-48-4-1) as a
- 4 Class A felony;
- 5 (P) dealing in a schedule I, II, or III controlled substance (IC
- 6 35-48-4-2) if the amount of controlled substance involved has
- 7 an aggregate weight of three (3) grams or more;
- 8 (Q) an offense under IC 9-30-5 (operating a vehicle while
- 9 intoxicated) and the person who committed the offense has
- 10 accumulated at least two (2) prior unrelated convictions under
- 11 IC 9-30-5; or
- 12 (R) aggravated battery (IC 35-42-2-1.5).

13 (c) Except as provided in subsection (e), whenever the court
 14 suspends a sentence for a felony, it shall place the person on probation
 15 under IC 35-38-2 for a fixed period to end not later than the date that
 16 the maximum sentence that may be imposed for the felony will expire.

17 (d) The minimum sentence for a person convicted of voluntary
 18 manslaughter may not be suspended unless the court finds at the
 19 sentencing hearing that the crime was not committed by means of a
 20 deadly weapon.

21 (e) Whenever the court suspends that part of ~~an~~ **a sex and violent**
 22 offender's (as defined in IC 5-2-12-4) sentence that is suspendible
 23 under subsection (b), the court shall place the offender on probation
 24 under IC 35-38-2 for not more than ten (10) years.

25 (f) An additional term of imprisonment imposed under
 26 IC 35-50-2-11 may not be suspended.

27 (g) A term of imprisonment imposed under IC 35-47-10-6 or
 28 IC 35-47-10-7 may not be suspended if the commission of the offense
 29 was knowing or intentional.

30 (h) A term of imprisonment imposed for an offense under
 31 IC 35-48-4-6(b)(1)(B) may not be suspended.

32 SECTION 22. IC 35-50-6-1, AS AMENDED BY P.L.90-2000,
 33 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2001]: Sec. 1. (a) Except as provided in subsection (d), when
 35 a person imprisoned for a felony completes his fixed term of
 36 imprisonment, less the credit time he has earned with respect to that
 37 term, he shall be:

- 38 (1) released on parole for not more than twenty-four (24) months,

1 as determined by the parole board;

2 (2) discharged upon a finding by the committing court that the
3 person was assigned to a community transition program and may
4 be discharged without the requirement of parole; or

5 (3) released to the committing court if his sentence included a
6 period of probation.

7 (b) Except as provided in subsection (d), a person released on parole
8 remains on parole from the date of his release until his fixed term
9 expires, unless his parole is revoked or he is discharged from that term
10 by the parole board. In any event, if his parole is not revoked, the
11 parole board shall discharge him after the period set under subsection
12 (a) or the expiration of the person's fixed term, whichever is shorter.

13 (c) A person whose parole is revoked shall be imprisoned for the
14 remainder of his fixed term. However, he shall again be released on
15 parole when he completes that remainder, less the credit time he has
16 earned since the revocation. The parole board may reinstate him on
17 parole at any time after the revocation.

18 (d) When ~~an~~ **a sex and violent** offender (as defined in IC 5-2-12-4)
19 completes the offender's fixed term of imprisonment, less credit time
20 earned with respect to that term, the offender shall be placed on parole
21 for not more than ten (10) years.

22 **SECTION 23. [EFFECTIVE UPON PASSAGE] (a) Immediately**
23 **after the effective date of this SECTION, the Indiana criminal**
24 **justice institute shall establish a program to approve or prescribe**
25 **the forms required under IC 5-2-12, as amended by this act.**

26 **(b) The Indiana criminal justice institute may exempt any**
27 **person that is required to use a form prescribed or approved by the**
28 **institute from the form requirements under IC 5-2-12, as amended**
29 **by this act, until the earlier of the following:**

30 **(1) The date specified by the institute.**

- 1 **(2) July 1, 2002.**
- 2 **(c) This SECTION expires July 2, 2002.**
- 3 **SECTION 24. An emergency is declared for this act.**
 (Reference is to HB 2145 as introduced.)

and when so amended that said bill do pass.

Representative Moses